

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AURA ROSSI,

Plaintiff,

NO. CV 07-5411-RBL
CV 08-5244-RBL

CITY OF LAKEWOOD, a municipal corporation of the State of Washington;
LAKEWOOD FIRE DEPARTMENT, aka LAKEWOOD FIRE DISTRICT 2, PAUL WEBB, Chief, Lakewood Fire Department,
JOHN DOE 1; JOHN DOE 2,

**ORDER GRANTING THE RENEWED
MOTION FOR SUMMARY JUDGMENT
AND DISMISSING ALL OF
PLAINTIFF'S CLAIMS WITH
PREJUDICE AGAINST THE
LAKEWOOD FIRE DEPARTMENT
DEFENDANTS AND THE CITY OF
LAKEWOOD**

LAKWOOD FIRE DEPARTMENT, aka
LAKWOOD FIRE DISTRICT 2, PAUL
WEBB, Chief, Lakewood Fire Department,

Third-Party Plaintiffs,

V.

CITY OF LAKEWOOD, A municipal corporation of the State of Washington.

Third-Party Defendant

This matter came before the Court on the Renewed Motion for Summary Judgment by the Lakewood Fire Department Defendants, and the Joinder in the Renewed Motion for Summary Judgment by the City of Lakewood. The Renewed Motion for Summary Judgment and the joinder by the City sought dismissal of all of Plaintiff's claims against all Defendants.

**ORDER DISMISSING PLAINTIFF'S CLAIMS WITH PREJUDICE
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Defendants Lakewood Fire Department and Paul Webb appeared through counsel, Lindsey Pflugrath, of Skellenger Bender, PS. The City of Lakewood appeared through counsel, Diana Blakney, of Michael B. Tierney, P.C. Ms. Aura Rossi, Plaintiff, appeared through counsel, Lonnie Davis of the Disabilities Law Project.

The Court, having considered the court file and the following pleadings:

1. Renewed Motion for Summary Judgment by the Lakewood Fire Department defendants;
 2. Declaration of Lindsey Pflugrath in Support of the Renewed Motion for Summary Judgment by the Lakewood Fire Department defendants;
 3. Declaration of Karl Roth in Support of Renewed Motion for Summary Judgment by the Lakewood Fire Department defendants;
 4. Declaration of David Bugher;
 5. Declaration of Joyce Pashley Stockwell.
 6. Reply in Support of the Renewed Motion for Summary Judgment by the Lakewood Fire Department Defendants;

And the Court being fully advised, the Court finds that the Plaintiff acknowledged in open court on September 4, 2008 that Plaintiff knowingly and purposefully did not respond to the Renewed Motion for Summary Judgment by the Lakewood Fire Department defendants and the Court therefore ORDERS that the Lakewood Fire Department Defendant's Motion for Summary Judgment is GRANTED and all causes of action alleged against Defendants Lakewood Fire Department defendants are DISMISSED with prejudice.

With regard to the City of Lakewood's Joinder in the Renewed Motion for Summary Judgment, the Court, having considered the court file and the following pleadings:

1. City of Lakewood's Joinder in the Renewed Motion for Summary Judgment by the Lakewood Fire Department and Paul Webb;

2. City of Lakewood's Joinder in the Reply in Support of the Renewed Motion for Summary Judgment by the Lakewood Fire Department and Paul Webb;

4 And the Court being fully advised, the Court finds that, the Plaintiff failed to respond to
5 the City's Joinder in the Renewed Motion for Summary Judgment in accordance with the time
6 requirements contained within the Local Rules, that Plaintiff offered no cognizable reason for its
7 failure to respond in a timely manner, and furthermore, there is no indication whatsoever in the
8 Court's Docket that Plaintiff sought leave of this Court to file a response to this Joinder by the
9 City to the Summary Judgment Motion out of time. The only attempt by the Plaintiff to seek
10 leave of Court to file a response to the City's Joinder in the Lakewood Fire Department
11 Defendants' Motion was made in open Court on the date for which argument on the Motion had
12 been noted, September 4, 2008. This argument date was set by the Court on August 19, 2008,
13 seventeen days in advance of the scheduled hearing. There is no indication in the Court's Docket
14 that Plaintiff's counsel sought leave to file a Response during the seventeen-day interval between
15 the date on which the hearing on the motion was set and the date on which the argument actually
16 took place.

17 The Court finds that under these circumstances, granting the Plaintiff additional time to
18 respond would prejudice the City. Accordingly, the Court ORDERS that the City of Lakewood's
19 Joinder in the Motion for Summary Judgment is GRANTED and all causes of action alleged
20 against the City of Lakewood are DISMISSED with prejudice.

22 This Order shall be a final order dismissing all claims in this action against all Defendants,
23 with prejudice. The Defendants shall be entitled to file a bill of costs, as authorized by law.

**ORDER DISMISSING PLAINTIFF'S CLAIMS WITH PREJUDICE
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Dated this 11th day of September, 2008.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Lindsey Malone Pflugrath
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/s/ Diana V. Blakney
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